

BYLAWS AND RULES OF PROCEDURE  
For  
BUILDING CODE ADVISORY BOARD

The Board is created by the Legislature of the State of Arizona to determine the suitability of alternative material and construction methods and to permit interpretations of the provisions of any adopted code pursuant to Section 11-862 A.R.S.

The Board shall be known as the Maricopa County Building Code Advisory Board and shall subsequently be referred to in these bylaws as the "Board".

ARTICLE I – MEMBERSHIP

1. Board shall consist of at least (5) but not more than seven (7) members and shall include members from the following categories, to the extent the persons meeting the qualifications are available within Maricopa County and are residents of Maricopa County:
  - a) An Architect duly licensed in the State of Arizona;
  - b) A Professional Engineer duly licensed in the State of Arizona;
  - c) A General Contractor duly licensed in the State of Arizona;
  - d) A person engaged in the electrical, mechanical or plumbing trade;
  - e) A person representing the public and a resident of the County.
2. If the Board consists of more than five (5) members; the additional members may be engaged in the construction and design industry.
3. Members of the Board shall be appointed by the Board of Supervisors. Members shall be appointed for a term of four (4) years, staggered so that at least one (1) but no more than two (2) terms expire each year. Vacancies shall be filled for an unexpired term in the manner which original appointments are required to be made.
4. The Building Official shall serve without vote, as an ex officio member of the Board and shall act as Secretary.

## ARTICLE II – MEETINGS

1. The Annual Business Meeting, shall be the first regular meeting of each calendar year.
2. Regular meetings of the Board shall be held at 2:00 p.m., M.S.T. on the 2<sup>nd</sup> Tuesday of January, April, July and October in the Gold/Platinum Conference Room of the Planning and Development Department located at 501 N. 44<sup>th</sup> Street, 1<sup>st</sup> Floor, Phoenix, Arizona. The time and place of a regular meeting may be changed by the Chairman, provided adequate notice is provided pursuant to Article II, Paragraph 5 of these Bylaws.
3. Special meetings may be called at any time by the Chairman, the Building Official, or by written request to the Building Official by a majority of the members of the Board.
4. When, in the judgment of the Chairman of the Board, the work prescribed for the Board is insufficient to warrant a meeting of the Board, the Chairman may, with the support of the majority of the board, order the next regular meeting to be postponed to the following regular meeting date.
5. Notice of the Annual Business Meeting, regular meetings, special meetings, and cancelled meetings shall be provided as follows:
  - a) The Building Official shall file with the Clerk of the Board of Supervisors a statement disclosing where public notice of Board meetings will be posted.
  - b) The Building Official shall post notice of Board meetings in the public place identified in the disclosure statement at least 24 hours prior to the announced time of the meeting.
  - c) The notice shall identify the Board by its official title and give the date, time and place of the meeting. An agenda of the meeting shall also be posted with the notice.
  - d) The Building Official shall provide additional notice to Board members of future meetings by the mailing of the meeting agenda to each Board member, to such address as furnished by each member, seven (7) days prior to the date of the meeting.
  - e) The Building Official shall provide additional notice to the applicant and all persons who request notice of the Board's meetings by mailing a copy of the meeting notice and agenda to the applicant and those persons requesting meeting notice seven (7) days prior to the date of the meeting.

6. All meetings of the Board shall be open to the public, except that the Board may hold executive sessions provided the notice states the specific provision of law authorizing it. Written minutes shall be kept of all public meetings and executive sessions.
7. A majority of the duly appointed members of the Board shall constitute a quorum for the transaction of business and a majority vote of the quorum shall be required for any official action.
8. All votes taken by the board on all matters shall be by voice vote or by roll call, except for election of officers which may be done by secret ballot.
9. All meetings shall be conducted according to Robert's Rules of Order as amended. Where there is a conflict between these Bylaws and Robert's Rules of Order, these Bylaws shall control.

### ARTICLE III – OFFICERS

1. The Chairman shall preside at all meetings and hearings, sign all certificates and other official documents, appoint committees and their chairmen, and rule on all procedural questions. The Chairman may also call for the question upon all matters being considered by the Board, but only after interested parties and all Board members present have had a reasonable opportunity to be heard.
2. The Chairman shall be an ex officio member of all committees.
3. The Chairman may participate in the voting process, and may participate in the discussion of matters.
4. Any procedural ruling of the Chairman shall be subject to reversal by a majority of the Board members present.
5. The Vice-Chairman shall, in the absence of the Chairman, exercise all the duties of the Chairman and when so acting shall possess all the powers of, and be subject to all the restrictions upon the Chairman. In the event that the Chairman and Vice-Chairman are absent, the members present shall appoint by majority vote a Chairman pro tem for the day's meeting.
6. The Building Official shall serve as the Secretary and shall be responsible for the preparation of minutes of the proceedings of the Board; an agenda for each meeting which shall be mailed to each member seven (7) days

prior to the date of the meeting; and shall be custodian of the records of the Board.

#### ARTICLE IV – COMMITTEES

1. The Chairman may appoint from among the members of the Board committees as may be required to facilitate the work of the Board.
2. All committee meetings shall be conducted in accordance with the notice and other provisions of Article II, Paragraph 5 of these Bylaws.

#### ARTICLE V – ELECTION OF OFFICERS

1. The Chairman of the Board shall be elected by a majority of the regular members at the Annual Business Meeting to serve for a term of one (1) calendar year. A Vice-Chairman shall be elected in the same manner, at the same meeting for a term of one (1) calendar year.
2. A vacancy in the office of the Chairman or Vice-Chairman may be filled by the members of the Board at any regular meeting or special meeting called for such purpose after such vacancy has occurred.
3. No member of the Board shall serve successive terms as Chairman or Vice-Chairman.

#### ARTICLE VI – ORDER OF BUSINESS

At each regular or special meeting of the Board, the order of business shall be as follows:

- a) Call to order by the Chairman
- b) Roll call
- c) Reading of the minutes of the last meeting and their approval
- d) Report of Committees
- e) Unfinished Business: Consideration of any matters held over from previous meetings
- f) New Business:
  - 1) Consideration of citizen appeals;
  - 2) Consideration of administrative request and information.
- g) Other business
- h) Set date of next meeting
- i) Adjournment

ARTICLE VII – MATTERS PENDING BEFORE THE BOARD  
(HOW PRESENTED)

1. Every matter on which the Board is authorized or required to act shall be presented through the Building Official in writing and on forms provided by the Department of Planning and Development.
2. All matters upon which the Board is asked to act shall be brought forth at a regular meeting of the Board for open discussion. No action shall be taken by the Board on any matters except for those matters on the regular agenda and those matters considered at a special meeting called for that purpose.

ARTICLE VIII – THE DOCKET AND AGENDA

1. An applicant may have a decision of the Building Official reviewed by the Board when it is claimed that the Code has been incorrectly interpreted. Review by the Board shall be limited to the specific decisions being appealed.
2. An application for review of decision shall be filed with the Building Official no less than fifteen (15) working days prior to a scheduled Board meeting. The application shall be accompanied by a fee, to defray processing cost, approved by the County Board of Supervisors.
3. The applicant may submit evidence in support of his position regarding alternate materials, or alternate methods of construction, or interpretation of the provisions of said Code. All information and supporting data shall be submitted to the Building Official on department forms at the time of filing the application.
4. Each application for review of decision shall be numbered serially on an annual bases and placed on the next available agenda and shall remain on the agenda until a decision is made, or the application is withdrawn by the applicant.
5. The agenda shall consist of all those applications and other requests which by reason of time of filing, or continuation, or other order of the Board, are to be heard at the next meeting of the Board.
6. When all matters cannot be disposed of on the day set, the Board may adjourn from day to day or until the next regular meeting as it may order.

7. The agenda shall be prepared under the supervision of the Building Official.

#### ARTICLE IX – HEARING FORMAT

1. When an item is set for consideration on a given day and properly noticed, it may be heard and decided on by the Board whether or not anyone in favor of or in opposition to the item appears at the hearing.
2. Each matter shall be heard in the following order:
  - a) The Chairman will call the application number and read the request;
  - b) The Building Official or his designee will summarize the application;
  - c) The applicant or his representative may speak in support of his application;
  - d) Other persons may speak in favor of the application;
  - e) Those opposed to the application may be heard;
  - f) The applicant may be heard in rebuttal;
  - g) All questions must be addressed to the Chairman in order to facilitate general discussion between those in favor of the application and those opposed to it.
3. The concurring vote of a majority of the quorum of the Board present shall be required for the adoption of any decision. The vote of each member shall be recorded along with the reason for such vote if so requested by the Board member casting said vote.
4. Decisions and finds of the Board shall be final and made in writing by the Building Official to the applicant within ten (10) working days of the decision.
5. The Board may use any source of assistance in making their decision.

#### ARTICLE X – CODE REVIEW PROCEDURES

1. The Board shall recommend to the Planning and Zoning Commission and the Board of Supervisors all proposed changes, deletions and additions to the construction codes. To assist and advise the Board in its recommendations, existing code review agencies, testing organizations, and state agencies may be consulted in addition to other procedures

devised by the Board. The code review agencies, testing organizations and state agencies include, but are not limited to, the following:

- a) International Conference of Building Officials
- b) International Association of Plumbing and Mechanical Officials
- c) International Association of Electrical Inspectors
- d) American National Standards Institute
- e) American Society for Testing and Materials
- f) National Institute of Standards and Technology
- g) National Fire Protection Association
- h) Underwriters Laboratories
- i) American Gas Association
- j) International Standards Organization
- k) Arizona State Fire Marshall
- l) Arizona State Health Department
- m) Arizona Office of Manufactured Homes
- n) Americans with Disabilities Act, United States Justice Department
- o) Arizona Revised Statutes, State's Attorney
- p) International Code Conference

2. The Building Official shall appoint members of his staff to participate in and coordinate the functions of all code review procedures.

#### ARTICLE XI – FEES

The Board shall review the various building code fees and shall forward their findings to the Planning and Zoning Commission and the Board of Supervisors.

#### ARTICLE XII – AMENDMENT OF BYLAWS AND RULES OF PROCEDURE

These Bylaws and Rules of Procedure may be amended at any regular or special meeting of the Board, provided a copy of the proposed amendment or amendments shall have been mailed to each member of the Board at least thirty (30) days prior to the meeting at which it or they are to be considered.

#### ARTICLE XIII – CONFLICT OF INTEREST

Any member of the Board who has a substantial interest as defined in A.R.S. Section 38-502 in the outcome of any matter brought before the Board shall make known that interest and the minutes of the meeting shall record that the



member made such fact known. The member shall refrain from voting or in anyway participating in that matter.

#### ARTICLE XIV – SPECIAL STUDIES


Requests for studies or any other action or work by staff will be made only to the Building Official and only by a majority vote of the Board. However, the Chairman of the Board and the Building Official may confer regarding preparation of matters to come before the Board.

#### ARTICLE XV – BOARD MEETING ATTENDANCE


1. It is the responsibility of each Board member to attend regularly scheduled Board meetings. It is expected that each Board member will attend a minimum of seventy-five (75) percent of noticed Board meetings over any one (1) year period.
2. If a Board member does not meet the above minimum meeting attendance requirement, the Chairman of the Board may contact the member to discuss the situation. A majority of the Board may also direct the Chairman to contact any member not attending the required number of meetings regarding his or her attendance.
3. If after consultation with that Board member, attendance does not improve over the next one (1) year period of time, the Chairman of the Board will report the matter to the Chairman of the Board of Supervisors. The Board of Supervisors is authorized to remove a member for cause.



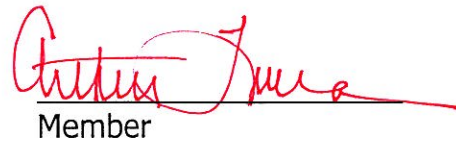
Approved this 12<sup>TH</sup> day of JUNE, 2007.

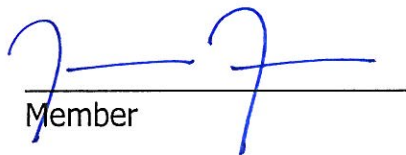
  
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